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In re Application of
Leona E. LING et al.
Application No. 09/883,848
Filed: June 18, 2001
Attorney Docket No. CIBT-P01-119

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 04, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 03, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 04, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of 1,540.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of March 03, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 1642 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, reading "Michelle R. Eason". The signature is written in a cursive, flowing style.

Michelle R. Eason
Paralegal Specialist
Office of Petitions